



Attorney Docket No.: 045636-5050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nicholas Alan Timothy COLFORD, et al. ) Confirmation No.: 7370  
Application No. 09/934,082 )  
Filed: August 22, 2001 ) Group Art Unit: 3727  
Examiner: R. A. Hylton

For (As Amended): CONTAINER EQUIPPED WITH AT LEAST  
ONE DEFORMABLE CLOSURE DEVICE

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop AF  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

**NOTICE OF APPEAL TO THE**  
**BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated 25 June 2004, the period for response to which was previously extended through 27 December 2004, i.e., the next business day following 25 December 2004 (in accordance with 37 C.F.R. § 1.6(a)), rejecting the following claims: 1 and 3-15.

12/28/2004 EABUBAKI 00000025 500310 09934082  
01 FC:1253 1020.00 DA  
02 FC:1401 500.00 DA

1. Extension of Time

[X] Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
[ ] one month	\$ 120.00	\$ 60.00
[ ] two months	\$ 450.00	\$225.00
[X] three months	\$1,020.00	\$510.00

[X] Having paid a three month extension of time fee of \$1,020.00 on 23 December 2004, the extension of time fee due with this request is: \$-0-.

2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

[ ] The fee in the amount of \$\_\_\_\_\_ to cover the appeal fee is enclosed.

[X] The Commissioner is authorized to charge the notice of appeal fee to Deposit Account No. 50-0310. The amount is \$500.00.

3. **Fee Total(s):**

- [X] The Notice of Appeal Fee under 37 C.F.R. § 1.17(b), totaling \$500.00, is being charged to Deposit Account No. 50-0310.

4. **Constructive Petition**

- [X] **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date: 27 December 2004

By: Scott J Anchell  
Scott J. Anchell  
Reg. No. 35,035

**Customer No.: 009629**

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